

Decision 06-02-005 February 16, 2006

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Rulemaking for Purpose of Revising Settlement  
Provisions in the Rules of Practice and Procedure.

Rulemaking 99-11-021  
(Filed November 18, 1999)

**ORDER CLOSING PROCEEDING**

**1. Summary**

Because of the passage of time and because other proceedings may address some or all of the issues in this rulemaking proceeding, this order closes Rulemaking (R.) 99-11-021.

**2. Discussion**

The Commission instituted this rulemaking on November 18, 1999, proposing to revise its procedural rules governing settlements. The Commission stated that the proposed new rules were intended to be simpler and more flexible in order to encourage settlements. Interested parties were invited to submit comments and reply comments on a draft of the new rules and to participate in a workshop conducted on February 29, 2000.

Comments were filed by Pacific Gas and Electric Company, the Office of Ratepayer Advocates, Southern California Edison Company, The Utility Reform Network, GTE California Incorporated, Aglet Consumer Alliance, Southwest Gas Corporation, Pacific Bell, and the California Cable Television Association. Most of these parties also participated in the February 29, 2000 workshop.

Proposed new rules intended to replace Article 13.5 (Stipulations and Settlements) of the Rules of Practice and Procedure were then developed but not issued. The new rules would have proposed no substantive change in the existing rules or in Commission practice. At this point, formal issuance of the proposed new rules was stayed pending development of other rules that the Assigned Commissioner sought to deal with settlements more substantively. Other more urgent proceedings, including those related to the energy crisis, delayed development of the other rules.

With the passage of time, this docket has become stale and the makeup of the Commission itself has changed entirely. We note also that we are currently in the middle of an Alternative Dispute Resolution pilot program. This program may give us information that will shape our ideas on how the settlement rules should be modified. For all these reasons, this rulemaking docket should be closed. At the same time, we greatly appreciate the work already done by commenters with respect to our earlier draft revisions to the settlement rules in this docket. Under Rule 72 of the Rules of Practice and Procedure, we may notice the record of this rulemaking in any future rulemaking regarding the settlement rules in order that the work to date will not be lost.

### **3. Comments on Draft Decision**

The draft decision of the Administrative Law Judge (ALJ) was mailed to the parties pursuant to Pub. Util. Code § 311(g)(1) and Rule 77.7(b). No comments were filed.

### **4. Assignment of Proceeding**

Michael R. Peevey is the Assigned Commissioner and Glen Walker is the assigned ALJ in this proceeding.

### **Findings of Fact**

1. The Commission instituted this rulemaking on November 18, 1999, to revise its procedural rules governing settlements.
2. Comments were filed by several parties that also participated in a workshop on February 29, 2000.
3. Since that time, this docket has become stale, and an Alternative Dispute Resolution pilot program may present further information with respect to the settlement rules.

### **Conclusions of Law**

1. Because of the passage of time and because other proceedings may address the issues in this rulemaking proceeding, R.99-11-021 should be closed.
2. This order should be made effective immediately.

**O R D E R**

**IT IS ORDERED** that Rulemaking 99-11-021 is closed.

This order is effective today.

Dated February 16, 2006, at San Francisco, California.

MICHAEL R. PEEVEY  
President

GEOFFREY F. BROWN

DIAN M. GRUENEICH

JOHN A. BOHN

RACHELLE B. CHONG  
Commissioners